

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 April 2024

Public Authority: Cabinet Office
Address: 70 Whitehall
London
SW1A 2AS

Decision (including any steps ordered)

1. The complainant has requested the numbers, and copies of, WhatsApp messages between Boris Johnson and Evgeny Lebedev in 2020 concerning the latter's consideration for a peerage and any other messages about government business. The Cabinet Office's position is that it does not hold the requested information.
2. The Commissioner's decision is that the Cabinet Office has failed to comply with section 1(1) of FOIA due to omitting to search its own official records for information falling within the scope of the request and for omitting to ask Mr Johnson whether he holds information falling within the scope of the request on his own phone.
3. The Commissioner requires the Cabinet Office to take the following steps to ensure compliance with the legislation:
 - i) Search its own records to determine whether it holds any information falling within the scope of the request and then provide a response to the complainant that conforms with section 1(1) of FOIA in respect of such information.

- ii) Ask Mr Johnson to arrange for a search to be conducted of his 'old phone'¹ for information falling within the scope of this request and then provide a response to the complainant that conforms with section 1(1) of FOIA in respect of such information.
4. The public authority must take these steps within 30 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Background

5. The Rt Hon Boris Johnson served as Prime Minister between 2019 and 2022.
6. In April 2021, the security of Mr Johnson's personal phone became compromised when it became apparent that its number was freely available on the internet. The phone was therefore turned off and kept securely to prevent access to it. Upon his departure from office in 2022, Mr Johnson took his phone (the 'old phone') with him.
7. Baroness Hallet is a former Judge of the Court of Appeal. In December 2021, she was appointed as Chair of the UK Covid-19 Inquiry into the Government's handling of the COVID-19 pandemic.²

Request and response

8. The complainant submitted the following request to the Cabinet Office on 31 July 2023:

"I am sending this request under the Freedom of Information Act.

1) Please state the number of WhatsApp messages between Boris Johnson and Evgeny Lebedev in the 2020 calendar year, that:

a) Relate to Lebedev's consideration for a peerage

¹ As described at paragraph 6 of this decision notice.

² This background detail is taken from the Cabinet Office's submissions to the Commissioner in relation to this case.

b) Relate to any other government business (such as communication of government Covid policy in the Evening Standard).

2) Please provide a copy of WhatsApp messages between Boris Johnson and Evgeny Lebedev (both sides of the conversation) in the 2020 calendar year, that

a) Relate to his consideration for a peerage

b) Relate to any other government business (such as communication of Covid policy in the Evening Standard).

I note that the government has confirmed that the WhatsApp account has been retrieved from Mr Johnson's old phone, and messages extracted."

9. The Cabinet Office responded on 30 August 2023 and simply explained that:

"We are writing to advise you that the information you requested is not held by the Cabinet Office."

10. The complainant contacted the Cabinet Office on the same day and asked it to conduct an internal review. In doing so, he noted that:

"Johnson's Whatsapp messages have been provided to the Cabinet Office, and prepared for disclosure to the Covid inquiry. His messages are therefore held by the Cabinet Office for the purposes of FOIA, and subject to disclosure."

11. The Cabinet Office informed him of the outcome of the internal review on 24 November 2023. It confirmed its position that it did not hold the requested information. In support of this conclusion it explained that:

"While it is correct that the Cabinet Office has had access to some WhatsApp messages involving Mr Johnson, that is not determinative and I would make a couple of observations. The first is that your request was received on 31 July 2023. Before that date, the Cabinet Office had not been provided with access to any WhatsApp threads extracted from Mr Johnson's old device, which was the phone containing his messages from 2020.

It was only after 31 July 2023 that the Cabinet Office had access to a number of WhatsApp threads/groups which had been extracted from Mr Johnson's old device for provision to the Inquiry. As you are aware, a public authority is only obliged to conduct searches for information which is held by it at the point that a request for information is received. The information you requested was not held at the date of your request."

12. The Cabinet Office also explained that even if it did hold the requested messages for the purposes of FOIA, then such information would be exempt from disclosure on the section 41(1) (information provided in confidence).

Scope of the case

13. The complainant initially contacted the Commissioner on 26 October 2023 to complain about the way his request for information had been handled and the Cabinet Office's failure to complete the internal review within 40 working days.³ He disputed the Cabinet Office's position that it does not hold the requested information; he considered this "to be wrong in law". Following the completion of the internal review, the complainant confirmed that he remained dissatisfied with the Cabinet Office's response to his request. He also disputed the Cabinet Office's secondary position that section 41(1) would apply to such information.
14. As the Cabinet Office's primary position is that it does not hold the requested information for the purposes of FOIA, the scope of the Commissioner's investigation, and this decision notice, is therefore limited to making a determination on this issue.

Reasons for decision

Section 1 – general right of access

15. Section 1(1) of FOIA provides that any person making a request for information to a public authority is entitled-
 - "(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
 - (b) if that is the case, to have that information communicated to him."

³ Although there is no statutory deadline for completing internal reviews, the Commissioner expects these to be conducted within 20 working days in most cases, and even in complex cases, reviews should be completed in a total time of 40 working days.
<https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/request-handling-freedom-of-information/#internal>

Section 3(2) – information held by a public authority

16. Section 3(2) sets out the circumstances in which information is considered to be 'held' for the purposes of FOIA:

"For the purposes of this Act, information is held by a public authority if—

 - (a) it is held by the authority, otherwise than on behalf of another person, or
 - (b) it is held by another person on behalf of the authority."
17. The Upper Tribunal considered the meaning of section 3(2)(a) in the case of *University of Newcastle upon Tyne v the Information Commissioner and the British Union for the Abolition of Vivisection* [2011] UKUT 185 (AAC, 11 May 2011). It explained that the concept of 'holding' information for FOIA purposes "is not purely a physical concept, and has to be understood with the purpose of the Act in mind." This means that information may be present on a public authority's premises but not held by the authority for FOIA purposes. To be considered 'held' for FOIA purposes, there has to be "an appropriate connection between the information and the authority".⁴
18. Although the Upper Tribunal case concerned section 3(2)(a), the concept of an appropriate connection between requested information and the public authority to which a request is submitted is equally relevant to the provisions of section 3(2)(b). This applies in circumstances in which the information is held on a public authority's behalf by another person.
19. The Commissioner's guidance 'Information you hold for the purposes of FOIA' makes it clear that whether information is held by a public authority, or is held on behalf of a public authority, depends on the facts of the case and will involve a consideration of context and circumstances of each individual request.⁵
20. The guidance sets out several factors which can inform the extent to which information is held by a public authority for its own purposes (and therefore for the purposes FOIA). These factors include:
 - the extent to which a public authority has access to the information,

⁴ <https://www.bailii.org/uk/cases/UKUT/AAC/2011/185.html>

⁵ <https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/freedom-of-information-and-environmental-information-regulations/information-you-hold-for-the-purposes-of-foia/>

- the degree of control a public authority has over the information, including controlling who has access to it and how it is used,
- the extent to which a public authority uses it for its own purposes, regardless of whether it was created by a third party,
- the extent to which a public authority had an input in its creation or alteration,
- the extent to which a public authority retains ultimate responsibility over the management of the information, including its retention and deletion, and
- whether a public authority is merely providing storage, either on its own physical premises or on own electronic and cloud systems.

21. This is not an exhaustive list and the weight attached to each factor varies depending on the circumstances of each case.

The complainant's position

22. In support of his position that the Cabinet Office does hold the requested information for the purposes of FOIA, the complainant argued that:

"As stated in ICO guidance [about](#) information recorded on non-government platforms, and accepted by the ICO and Government Legal Department in proceedings currently at the information tribunal [EA/2023/0235] in relation to Matt Hancock's private messaging accounts (as per attached) information is held for the purposes of FOIA based on whether it was on government business, not what platform or device it is on.

The information has therefore been held by Johnson for the purposes of the Cabinet Office at all times, even if it would be required to arrange access if the information was not on government systems in an immediately accessible manner."

23. The appeal case which the complainant referred to concerned the Commissioner's decision notice in case IC-207013-X9T3.⁶ That case concerned the following request submitted on 12 August 2022:

"all correspondence between Matt Hancock and [named redacted] relating to government business from 1st January 2021 to 29 June 2021 using... methods of communication other than their departmental

⁶ <https://ico.org.uk/media/action-weve-taken/decision-notices/2023/4025108/ic-207013-x9t3.pdf>

email or any private email that Mr Hancock has used for government business (so this request includes, without limitation, WhatsApp messaging, and [named redacted] email account)”

24. During the course of the appeal, as indicated by the complainant the Government Legal Department (GLD) confirmed that the WhatsApp messages sought by the request were held by the Department of Health and Social Care (DHSC) for the purposes of FOIA and that there was no need for an adversarial tribunal proceeding on that basis.

The Cabinet Office's position

25. The Cabinet Office provided the Commissioner with detailed submissions to support its position that it did not hold the requested information for the purposes of FOIA. The Commissioner has set out these submissions below, with the exception of a small portion of them that the Cabinet Office explained were sensitive.
26. Firstly, the Cabinet Office considered whether at the date of the request it held the requested information. The Cabinet Office explained that on date of the request, some messages requested by the Inquiry had been extracted from the old phone but were still being held, along with the old phone itself, by Mr Johnson's lawyers on his behalf. The Cabinet Office explained that it did not have access to the extracted messages, or the old phone, on the date of the request.
27. The GLD were provided with messages extracted from the old phone on 11 August 2023 and 19 September 2023, ie after the date of the request. The Cabinet Office had access to these messages prior to them being provided to the Inquiry. The Cabinet Office explained to the Commissioner that in its view, the fact that it had access to these messages at this point did not equate to it holding the messages for the purposes of FOIA, and that in any event such access only took place after the date of the request. On this basis the Cabinet Office concluded that at the time of the request it neither held the old phone nor the messages extracted from it.
28. Secondly, the Cabinet Office considered whether Mr Johnson held the information on behalf of the Cabinet Office on the date of the request for the purposes of section 3(2)(b) of FOIA. The Cabinet Office explained that having considered the list of relevant factors, it determined that this was not the case.
- i) The extent to which the public authority has access to the information and*
ii) the degree of control the public authority has over the information, including controlling who has access to it and how it is used.
29. The Cabinet Office explained that following the departure of Mr Johnson, it had no access to the requested information as it was stored on the old

phone, being the personal device of Mr Johnson's, which he took with him on departure from office. The Cabinet Office explained that it gave confidentiality undertakings to allow it to access the extracted messages prior to GLD taking receipt of them in August 2023. The Cabinet Office argued that far from exercising control over the information, the Cabinet Office had legal obligations in respect of their handling and storage of it; this does not indicate control by the Cabinet Office.

iii) the extent to which the public authority uses it for its own purposes, regardless of whether it was created by a third party

30. The Cabinet Office argued that it did not hold the information and therefore could not use this for its own purposes following the departure of Mr Johnson from office.

31. The Cabinet Office explained that by the date of the request, the substance of any message exchanged by Mr Johnson representing significant information that would be held for the purposes of the Cabinet Office should have been transferred to the official record. Any messages not transferred to the official record, ie not relating to the transaction of official business, would instead be held by Mr Johnson for his own purposes.

32. In support of this position the Cabinet Office referred to the section 46 Code of Practice on the management of records, particularly paragraph 2.7.3:

"Authorities should ensure that staff are aware that there is no need to keep ephemeral material, and this may be destroyed on a routine basis. For example, by deleting trivial emails and messages after they have been read and discouraging staff from keeping multiple or personal copies of documents."⁷

33. It also cited the guidance on use of non-corporate communication channels (NCCCs) for government business published in March 2023, with paragraph 19 stating:

"Significant government information in NCCCs should be captured into government systems to support accountability. You are responsible for

7

https://assets.publishing.service.gov.uk/media/6114c3278fa8f506c4d84100/Freedom_Information_Code_Practice_Web_Accessible.pdf

deciding whether this applies to each communication using professional judgement and considering the context.”⁸

34. And paragraphs 22 and 23 continuing:

“If you are a minister or a senior official, consider including private office staff in communications groups and tasking them to undertake such capture... Capture significant information into government systems at a frequency appropriate to the content and context, including how often you use the NCCC. You should carry out a final review before you change device or leave your post.”

35. The Cabinet Office emphasised that the old phone was Mr Johnson’s personal device. It had no input into the creation of these messages and did not have the ability to alter these. The responsibility for the messages, including their creation, transfer to the official record, forwarding and deletion, resided with Mr Johnson himself.

36. The Cabinet Office noted that as per the above document its policy was clear that a departing Minister should review their messages to remove ephemeral material and capture significant official information for transfer onto official systems before a change of device or departure from office. The Cabinet Office explained that this has always been its position, but was not contained in any one single document prior to Mr Johnson’s departure.

37. The Cabinet Office argued that if it intended for a situation to exist where it holds, for its own purposes, the communications exchanged by former Ministers while in office, it would not stress that departing Ministers should conduct a review of their communications before changing device and/or leaving post to ensure appropriate government communications are transferred on to government systems.

38. In respect of the old phone, the Cabinet Office explained that the opportunity Mr Johnson had to conduct a review of the communications will have been before it was placed in a secure state in April 2021. The Cabinet Office therefore considered that the communications remaining on the old phone were not held for any purpose that it had. The phone was only accessed for the purposes of the Inquiry.

39. Rather, by the date of the request Mr Johnson was holding the information on his old phone on his own behalf and some messages

⁸ https://assets.publishing.service.gov.uk/media/642574183d885d000fdadf1e/2023-03-30_Non-corporate_communications_channels_guidance.pdf

from his old phone were extracted for the purposes of being transferred to the Inquiry.

40. The Cabinet Office explained that the Inquiry served a notice under 21 of the Inquiries Act 2005 (IA 2005) upon the Cabinet Office on 29 April 2023. It required the disclosure of WhatsApp messages exchanged between 2020 and 2022 on devices owned by Mr Johnson. However, Baroness Hallett stated in her ruling in respect of the notice that she had:

"...been provided by the Cabinet Office with all the documents that it holds that are responsive to the [section] 21 notice...It is to be noted that none of this material dates from the early stages of the pandemic in the first half of 2020. This is because at the earlier time Mr Johnson was using a different phone. Messages stored on that phone, which was retained by Mr Johnson personally, were not caught by the [section] 21 notice and are being provided to the Inquiry separately by Mr Johnson".

41. The Cabinet Office argued that this appears to acknowledge that the messages on the old phone, not being caught by the notice served under section 21 of the IA 2005, were not regarded by the Inquiry as being held by the Cabinet Office. Furthermore, the Cabinet Office argued that the provision of those messages separately appears to show that, at that point, they were held for his own purposes.
42. The Cabinet Office reiterated that at the point of the request it did not hold the messages and had no requirement to review the messages for the purposes of retaining the information for the official record.

iv) The extent to which the public authority retains ultimate responsibility over the management of the information, including its retention and deletion

43. The Cabinet Office explained that it retains no ultimate responsibility or ability to manage the information now, and is not in any event, holding it.

v) Whether the public authority is merely providing storage, either on its physical premises or cloud systems

44. The Cabinet Office explained that the information was stored on the old phone (a personal device of Mr Johnson) and therefore not in the possession of the Cabinet Office. In particular, the Cabinet Office noted that it ceased to have a purpose for the information and also ceased to have physical control over it. It also noted that communications of a personal or party political nature would not be held under the terms of FOIA in all circumstances.

The distinction between whether Ministerial diaries and communications is held

45. The Cabinet Office argued that there was a distinction between whether information held in Ministerial diaries was held for the purposes of FOIA and whether communications of the nature sought in this request were.
46. In reaching this view the Cabinet Office explained that it had taken into account the Court of Appeal judgement in *Department of Health v Information Commissioner and Lewis* [2017] EWCA Civ 374 concerning a request for the diaries of the Secretary of State for Health between 2010 and 2012, Rt Hon (now Lord) Lansley. The Cabinet Office noted that in giving his judgement, Sir Terence Etherton MR stated that:

“...while Mr Lansley was a Minister in the Department, for the purposes of section 3 of FOIA the entries in the diary were held by the Department for itself even if they were also held (in the case of personal or constituency matters) for Mr Lansley as well.

I cannot see that the termination of Mr Lansley’s Ministerial position made any difference to that position. I do not see that the entries suddenly became held for Mr Lansley alone for the purposes of section 3(2)(a) of FOIA. In particular, it seems to me clear that it remained relevant or potentially relevant to the Department to know, as a matter of historical record, where Mr Lansley had been and with whom on particular occasions, should there be a political, journalistic or historical interest raised with the Department in relation to those matters.”⁹
47. The Cabinet Office explained that with regard to Ministerial diaries that were in the physical custody of the Department, this line of reasoning makes sense. However, it argued that it cannot be transported to an electronic device that was in the personal possession of a resigned Minister.
48. At the time of the request in *Lewis*, the Department had physical control of the Ministerial diaries of Lord Lansley. In contrast, the Cabinet Office did not have possession or control of the old phone or any messages extracted from it. The Department therefore had a degree of control of Lord Lansley’s Ministerial diaries which the Cabinet Office did not have over the messages following Mr Johnson’s departure from office.
49. The Cabinet Office noted that Ministerial diary entries are edited at the end of a working day to ensure that they represented an accurate

⁹ <https://panopticonblog.com/wp-content/uploads/sites/2/2017/05/Approved-Judgment-rhd-Department-of-Health-v-Information-Commissioner.pdf>

historical record of engagements of the Minister. This assumption underpinning the maintenance of the ministerial diary is that it would, in its entirety, be of enduring historical interest, and therefore be held by the Department. In contrast, the Cabinet Office explained that the communications of Ministers are subject to retention and disposal policies. The policies accept the reality that communications can capture the ephemeral as well as insightful, hence the necessity of retention and disposal.

50. The Cabinet Office further noted the view of Charles J in the Upper Tribunal case of Lewis [2015] UKUT 159 (AAC):

“...a relevant factor in determining whether the information remains held by the Department is whether the reasons why it was given, recorded and used by the Department still engage an exemption that links or connects the information to the authority (the Department in this case). If it does, this points to a conclusion that it remains within the ambit of the checks and balances of the FOIA regime.”

51. Again, the Cabinet Office cited the disposal and retention policies and noted that communications retained as part of the official record have a likelihood of attracting an exemption whereas those were not transferred to the official record can be deemed ephemeral and would not likely attract an exemption.
52. The Cabinet Office explained that it was satisfied that the circumstances in which Ministerial communications are generated and how they are disposed of enable them to be distinguished from Ministerial diaries. The Cabinet Office considered that it ceased to hold the information upon the departure of Mr Johnson from office. Unlike in Lewis, the resignation of the Prime Minister was an important factor. It was at that point, before which Mr Johnson could have reviewed his communications in line with the retention and disposal policies of the Cabinet Office, that the information ceased to be held for any purpose of the Cabinet Office's and became held for Mr Johnson's own purposes.

The Commissioner's position

53. The Commissioner recognises that at the point that Ministers leave office, or change personal electronic devices, any information relevant to the corporate record should, as outlined by the Cabinet Office's guidance, be transferred to the official record. (Indeed, as the Commissioner's guidance explains, communications about official business on non-corporate communications channels should be stored on corporate systems as soon as possible, not simply at the point that a

device is changed or a Minister leaves office.¹⁰) However, the Commissioner considers the position adopted by the Cabinet Office that simply because a Minister has changed devices or left office, and such a policy is in place, any remaining information on the device will not then be held for the purposes of FOIA, to be too absolutist and binary a position. Such a position does not appear to account for a hypothetical scenario where a Minister changes a personal device, or leaves office, and fails to transfer any official information to the corporate record at that point. In the Commissioner's view the simple existence of the guidance – which may not have been followed – cannot mean that such information fails to be caught by FOIA (assuming it could potentially still be accessed). Furthermore, the Commissioner is not aware of any evidence as to whether or not Mr Johnson conducted a review of the communications on his old phone before it was placed in a secure state in April 2021.

54. In terms of the distinction the Cabinet Office has drawn between Ministerial diaries and WhatsApp communications, the Commissioner agrees that there are clearly some differences between the two. However, he resists the ultimate conclusion of the Cabinet Office's position that once a Minister has left office, it has to be the case that information on a personal device, will automatically cease to be held for the purposes of the department. In support of this position the Commissioner points to the hypothetical example he has set out in the preceding paragraph.
55. Moreover, the Commissioner considers that the position outlined by the Cabinet Office would appear to contradict the position adopted by the DHSC during the course of the appeal referred to by the complainant. In that case the request was submitted in August 2022, nearly a year after Matt Hancock left Ministerial office, and sought communications between him and a named individual relating to government business exchanged on non-government channels, including WhatsApp. As noted above, the Commissioner understands that GLD confirmed that the WhatsApp messages sought by the request were held by DHSC for the purposes of FOIA despite Mr Hancock having resigned nearly a year before the request was submitted.
56. Turning to the specifics of the requested information in this case, in the Commissioner's view the messages sought by part a) of the request are very likely to relate to official government business given that the request seeks messages about Evgeny Lebedev's peerage, a topic the

¹⁰ <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/official-information-held-in-non-corporate-communications-channels/>

Commissioner considers likely to amount to official government business. Furthermore, the information sought by part of b) of the request specifically seeks messages about "government business". The Commissioner is therefore satisfied that the requested information – if held on Mr Johnson's own phone – could be said to be held by the Cabinet Office for the purposes of FOIA, subject to the consideration of the further factors outlined above at paragraph 20.

57. With regard to these factors the Commissioner accepts that the Cabinet Office's submissions, including those provided to him in confidence, do lend some support for a position that it has a lack of control and ownership over the messages on Mr Johnson's old phone. However, the Commissioner observes that it has been possible to extract some messages from the old phone for the purposes of the Inquiry. On balance, and taking into account the subject matter of the requested information, the Commissioner is satisfied that if such information is held on the old phone it would, by virtue of section 3(2)(b) of FOIA, be held by the Cabinet Office. Accessing such information (if held) may be difficult, but it is not, as far as the Commissioner understands impossible to achieve at the time of this request.
58. Furthermore, as noted above, in the Commissioner's view the Cabinet Office has also placed emphasis on its guidance to support the view that information on the old phone cannot be held by it for the purposes of FOIA. However, the Cabinet Office has not offered any evidence that it has searched the official record to confirm whether or not information on the topics covered by the request is held on that official record. Depending on the outcome of such searches, this could lend support to its position that this policy had been followed in respect of the requested information, ie if the official record held information falling within the scope of this request.
59. Furthermore, for the purposes of section 1(1) what must be ascertained, on the balance of probabilities, is what relevant information is actually held, rather than what relevant information would have been held if appropriate procedures had been followed.
60. Therefore, in the Commissioner's view in order for the Cabinet Office to be able to fully and properly comply with its responsibilities in respect of this request, it needs to arrange searches of its official records in order to determine whether in such records it holds any recorded information relevant to this request.
61. Moreover, in the Commissioner's view, rather than assume that an absence of information in official records means that no relevant information is held, a public authority should take all reasonable steps and measures to positively establish whether that is the case. (This does not necessarily mean that searches would always need to be conducted,

ie confirmation at the point at which a minister departs that all messages have been searched and transferred as appropriate, may suffice in certain circumstances.) However, in the circumstances of this case and view of his finding in respect of section 3(2)(b), in order to comply with its obligations under section 1(1) the Commissioner also requires the Cabinet Office to contact Mr Johnson and arrange for a search to be conducted of his old phone for information falling within the scope of this request.

Other matters

62. The Commissioner has recently updated his guidance¹¹ regarding the FOIA Section 46 code of practice on records management¹² which now includes guidance on information held in non-corporate channels of communication.
63. In order to be consistent with good record keeping the Commissioner expects government departments to confirm with a departing minister (and then be able to evidence) that, in respect of any information held by them in non-corporate communications channels, they have complied with any applicable policies or guidance on the preservation of official records. This is in line with paragraph 27 of the Government's guidance on the use of non-corporate communications channels.¹³

¹¹ [Section 46 Code of Practice – records management | ICO](#)

¹² [Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000 \(publishing.service.gov.uk\)](#)

¹³ Paragraph 27 of [this guidance](#) states "Departments should ensure that offboarding procedures remind individuals of their obligations regarding any government information that individuals may have in NCCCs when they leave their department. Ministers leaving office should be reminded of the provisions of the Ministerial Code regarding the return of departmental papers."

Right of appeal

64. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

65. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
66. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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